

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Santos HERNANDEZ-Hernandez,

Defendant

08 MAY 21 AM 16:17
Magistrate Docket No. 08 MJ 1586
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF:
DEPUTY
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States
CR

The undersigned complainant, being duly sworn, states:

On or about **May 19, 2008** within the Southern District of California, defendant, **Santos HERNANDEZ-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF MAY, 2008



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Santos HERNANDEZ-Hernandez

PROBABLE CAUSE STATEMENT

On May 19, 2008, Border Patrol Agent J. Tracy was assigned patrol to duties near Jamul, California. At approximately 10:45 a.m., Agent Tracy responded to a citizen report of two possible illegal aliens on the side of the road, approximately two miles west of the intersection of Lyons Valley Road and Honey Springs Road. This area is located approximately eleven miles east of the Otay Mesa, California Port of Entry, and approximately ten miles north of the International Border Boundary between Mexico and the United States.

Upon arriving in the area, Agent Tracy observed two individuals standing on the side of the road. Agent Tracy identified himself as a U.S. Border Patrol Agent and conducted an immigration inspection. Both individuals, including one later identified as the defendant **Santos HERNANDEZ-Hernandez**, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to be in or remain in the United States legally. Both subjects were arrested and transported to the Brown Field Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on July 28, 2004** through **EI Paso, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and was willing to make a statement without an attorney present. Upon questioning, the defendant stated he is a citizen and national of Mexico and that he does not possess any documents allowing him to enter or to remain in the United States legally. He stated his intended destination was Los Angeles, California.